

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-CR-20412-DT

v.

HONORABLE DENISE PAGE HOOD

MARK LUKE WHITE (D-1) and
HAE SUN KIM (D-2),

Defendants.

ORDER REGARDING POST-JUDGMENT MOTIONS

I. INTRODUCTION

This matter is before the Court on post-judgment motions filed by Defendants Mark Luke White and Hae Sun Kim. Responses were filed. A hearing was held on Kim's Motion for Early Termination of Supervised Release and the motion was taken under advisement.

II. MARK LUKE WHITE

White entered into a plea of guilty to two counts of Transportation for Prostitution, 18 U.S.C. § 2421. On January 18, 2008, the Court imposed an Amended Judgment sentencing White to 37 months of imprisonment on each count, to run concurrently, followed by 3 years of supervised release on each count, to run concurrently.

White began his term of supervised release in March 2009. White has completed several classes, remains drug free, is currently employed and paid his restitution. White seeks to relocate to Ohio to be near his mother and seeks early termination of his supervised release. The Government does not oppose transfer to Ohio but opposes the early termination of his supervised

release.

Supervised release may be terminated after one year, pursuant to 18 U.S.C. § 3583(e)(1), if the defendant's conduct warrants termination, *and* it is in the interests of justice. *United States v. Spinelle*, 41 F.3d 1056, 1058 (6th Cir. 1994). Early termination is a discretionary decision warranted in cases of changed circumstances, such as where the defendant exhibits "exceptionally good behavior." *United States v. Lussier*, 104 F.3d 32, 36 (2d Cir. 1997). The Court considers the facts set forth in 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), and (a)(6). was released from his imprisonment in March 2009.

The nature and circumstances of the offense involved an escort and prostitution business. White transported women and a minor girl from Michigan to Hawaii. White's characteristics since his release from imprisonment appear to be that of a law-abiding citizen, taking classes to educate himself and obtaining work to support himself. The Government agrees in its response that White has enjoyed post-sentence success and is conducting himself in accord with the terms of his supervised release.

The supervised release appears to currently deter further criminal conduct and protect the public from further crimes committed by White. The supervised release period has certainly provided White with educational and vocation training.

The supervised release portion of the sentence was within the applicable guideline range, with no pertinent policy statement, other than those incorporated in the guideline range and was not disparate to the supervised release imposed as to White's co-defendant, given that White was considered the leader of the prostitution business.

The Court finds that White has taken advantage of educational opportunities before him, has

sought advice from the religious community, has supported himself and has remained drug free. The Court finds that White is doing what he is supposed to be doing as a productive member of our society. The Court commends White's efforts but does not find that his current behavior amounts to "exceptionally good behavior" warranting early termination of his supervised release. The Court, however, grants his request to transfer to Ohio to be near his mother. Probation will present the Court with the necessary paperwork to effectuate such a transfer.

III. HAE SUN KIM

Kim also entered a plea of guilty to two counts of Transportation for Prostitution, 18 U.S.C. § 2421. The Court imposed a Judgment on May 24, 2007, sentencing Kim to 20 months of imprisonment on each count, to run concurrently, followed by 2 years of supervised release. Kim began her term of supervised release in January 2008. Her term of Supervised Release has now been completed and her motion for early termination of supervised release is moot.

IV. CONCLUSION

For the reasons set forth above,

IT IS ORDERED that Defendant Mark Luke White's Motion for Extension of Time to File Notice of Appeal (**Doc. No. 74, filed 10/19/2007**) is MOOT.

IT IS FURTHER ORDERED that Defendant Mark Luke White's Motion to Modify Conditions of Supervised Release (**Doc. No. 87, filed 1/22/2010**) is GRANTED. White's remaining Supervised Release term may be transferred to Ohio to be near his mother.

IT IS FURTHER ORDERED that Defendant Mark Luke White's Motion for Early Termination of Supervised Release (**Doc. No. 90, filed 11/16/2010**) is DENIED.

IT IS FURTHER ORDERED that Hae Sun Kim's Motion for Early Termination of Supervised Release (**Doc. No. 84, filed 2/18/2009**) is MOOT.

s/Denise Page Hood
United States District Judge

Dated: September 15, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 15, 2011, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager